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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,989	10/11/2001	Tai Anh Cao	AUS920010197US1	8101
35525	7590	02/10/2005	EXAMINER	
IBM CORP (YA)			BAYERL, RAYMOND J	
C/O YEE & ASSOCIATES PC			ART UNIT	
P.O. BOX 802333			PAPER NUMBER	
DALLAS, TX 75380			2173	

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/974,989

Applicant(s)

CAO, TAI ANH

Examiner

Raymond J. Bayerl

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2 sheets</u> | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are 1 - 2, 4, 6, 9 - 12, 14, 16, 19 - 20, 26 - 27, 29, 31, 34 - 37, 39, 41, 44 - 45, 51 - 52, 54 - 55.

Continuation of Disposition of Claims: Claims rejected are 1 - 2, 4, 6, 9, 10 - 12, 14, 16, 19 - 20, 26 - 29, 31, 34 - 37, 39, 41, 44 - 45, 51 - 52, 54 - 55.

Art Unit: 2173

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 2, 4, 6, 9 – 12, 14, 16, 19 – 20, 26 – 27, 29, 31, 34 – 37, 39, 41, 44 – 45, 51 – 52, 54 – 55 are rejected under 35 U.S.C. 102(e) as being anticipated by Wynn et al. (“Wynn”; US #6,667,751 B1).

[The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.]

Regarding independent claim 1 (see also independent claims 26, 51), Wynn teaches a “method for highlighting recently selected items in an interface”, by providing a LINEAR WEB BROWSER HISTORY VIEWER by which the user can review browsing sessions (Abstract) and thus have previously-visited pages appear in an accentuated form in “the interface”. As per “identifying at least one recently selected item in the interface” “at a time of loading the interface”, Wynn notes that As web sites are visited during a normal browsing session, images of the pages viewed are rendered and stored

Art Unit: 2173

in the system's memory (col 6, lines 19 – 24). Then, as per “presenting the at least one recently selected item on a display before presenting the interface”, Wynn's user is allowed to visually review browsing sessions and browsing history (col 6, lines 26 – 32). Since the user may then jump to that page on the web when a page desired is found (also Abstract), the visual history browser appears “before presenting the interface” in which such a jump is completed.

Claim 2's “recording items that are selected by a user” (see also claims 12, 27, 37) occurs when images of the pages viewed are rendered and stored in the system's memory in Wynn (col 6, lines 26 – 32). These memory-retained pages are used “to identify the at least one recently selected item in the interface” (the overall Wynn browser) “while loading the interface” for viewing a desired page.

As per claim 4's “highlighting the at least one recently selected item presented on the display” (see also claims 14, 29, 39), the history viewer of Wynn, which has a graduated slider (150) as the control, will assist the user in moving one or more views forward or backward in the history log, as by a forward or next button (151) (figure 10; col 8, line 66 – col 9, line 20). By being featured in the history viewer, a previous item is made prominent in the browser interface, and is thus effectively given a “highlighting”.

Claim 6's “displaying the at least one recently selected item in a portion of the display” (see also claims 16, 31, 41) reads upon Wynn's history viewer control, with its assorted graphics for presentation. Then, when the browser is allowed to jump to a desired page, “at least a portion of the interface” occurs “in another portion of the display”, this being the main browser client region.

The interspersal of “at least one frequently used item” “on the display”, “adjacent to the at least one recently selected item presented on the display” (claims 54, 55) also reads upon Wynn. If one of the pages viewed happens to be one that is “frequently” viewed (as is likely to be the case), it will appear in the history alongside the other items that might merely be “recently” viewed.

As per claim 9’s “interface” that “comprises a web document” (see also claims 19, 34, 44), Wynn specifically works with a WEB BROWSER (see also col 6, lines 17 – 31), and this will have a “hyperlink” as “the at least one recently selected item” (claims 10, 20, 35, 45): pages are accessed via hyperlinks, and form parts of the history in a session.

Independent claim 11 differs from claim 1, in that instead of a “recently selected item”, a “frequently used item” is noted instead. However, as noted above in the discussion related to claim 54, “frequently used” items will also appear within the history viewer of Wynn, and thus, the list that is presented. A similar line of reasoning applies to independent claim 36.

3. Applicant’s arguments filed 18 October 2004 have been fully considered but they are not persuasive.

Applicant stresses at page 9 of the remarks the matter of “the identification of the recently selected item being done *at the time of loading the interface*”, which is argued as contrasting with Wynn: “*When a user selects the visual history review tool, the rendered images can be displayed in a viewing window*”—“the history tool is manually invoked” and “Claim 1 dynamically identifies a recently selected item from an interface

Art Unit: 2173

at the time of loading the interface". However, it is first noted that the word "dynamically" is not a part of claim 1, but secondly, and more importantly, it is merely "an interface comprising at least one selectable item" that is recited. This reads reasonably upon the browsing interface of Wynn, and "before presenting" this "interface" when the user wishes to jump to that page on the web that is desired, the history viewer identically teaches that "identifying at least one recently selected item" and "presenting" it must necessarily take place.

Then, concerning claim 2, applicant goes on to argue at page 10 that "the cited reference does not teach a step of using the recorded items to *identify a recently selected item while loading the interface*". However, part of the start-up of the browser that enables a Wynn jump is the presentation of the history viewer. In this regard, then, Wynn **does** teach that part of "loading the interface" is the identification and presentation of the recently-selected items.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The additionally-cited US Patent documents (see attached form PTO-892) relate to applicant's disclosed problem of maintaining user histories for web browsers.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not


Art Unit: 2173

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (571) 272-4045. The examiner can normally be reached on M - F from 9:00 AM to 4:00 PM ET.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (571) 272-4048. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (703) 872-9306.

8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.


RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

9 February 2005